

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KIM DOMINO,
Petitioner,

v.

JOSHUA WALL,
Respondent.

No. 13-30196

STATUS REPORT

Now comes the appellant and files a status report in the above-captioned matter.

The petitioner filed his petition for habeas corpus pursuant to 28 U.S.C. § 2254 on or about November 21, 2013. The respondent filed its answer on January 24, 2014.

On November 5, 2013, the Supreme Judicial Court heard argument in the matter of *Commonwealth v. Casey L. Cole*, SJC-11316. This matter addresses the constitutionality of the Massachusetts lifetime community parole, pursuant to G.L. c. 6, § 178H, and G.L. c. 127, § 133D. The petitioner's habeas corpus petition raises the issue of whether incorrect advice provided by trial counsel during plea negotiations caused the petitioner to forego a beneficial plea bargain, which violated his constitutional rights to effective assistance of counsel under Sixth Amendment to United States Constitution. Specifically, the petitioner argued that trial counsel incorrectly advised him to decline a plea offer because he erroneously believed the enhanced penalty of community parole supervision for life (CPSL) could be imposed as a collateral consequence by the Sex Offender Registry Board, the Parole Board, or as a discretionary condition of probation. As a result of his attorney's erroneous advice, the defendant suffered legally cognizable

constructed as a motion for extension, this is
ALLOWED. Petitioner may file his motion for
summary judgment on or before September 2, 2014.
So ordered. Michael G. Poulos USBJ 5-19-14